

Rezoning of land in Glenning Valley, Wyong LGA

Proposal Title : Rezoning of land in Glenning Valley, Wyong LGA

Proposal Summary : The proposal seeks to rezone land in Glenning Valley to permit low density residential development, while some areas of the site would be zoned for environmental protection.

The majority of the land is currently zoned 7(f) Environment Protection under the Wyong LEP 1991. Some portions of the site are zoned 7(g) Wetlands Management and 7(a) Conservation.

PP Number : PP_2012_WYONG_001_00 Dop File No : 12/03732

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes

Additional Information : The following conditions are suggested in order to progress the PP:

- prepare a URA map showing the site and include this in the consultation material along with the relevant URA clauses;
- consider need for additional maps consistent with SI (eg. minimum lot size maps)
- update Figure 3 of the PP so that lots labelled J, K and L and their respective lot/DP descriptions match correctly in the map key;
- 28 day community consultation occur;
- 12 months to complete the PP;
- address clause 6 of SEPP 55;
- confirm that the rezoning 7(f) land to residential would have no adverse impact on the industrial uses in industrial zones in order to satisfy s117 direction 1.1;
- consult with DPI per s117 direction 1.3 to determine consistency;
- once satisfactory resolution of ecological issues, seek DG agreement to the inconsistency with s117 directions 2.1 and 5.1;
- consult with RFS per s117 direction 4.4;
- should Council intend to zone land for or create public reserves, DG agreement should be sought per s117 direction 6.2;
- consult with OEH, RFS, RMS, CMA, DPI (Office of Water) regarding potential environmental impacts; and
- stormwater study (concept level) and acoustic study to be undertaken.

It suggested that the Gateway consider whether conditions for the following matters are necessary in order to aid agency/ community consultation:

- further traffic and cultural heritage studies; and
- a social impact and open space and recreation study.

Internal consultation with the following groups is recommended prior to the PP being finalised:

- metropolitan development program; and
- infrastructure co-ordination.

Rezoning of land in Glenning Valley, Wyong LGA

- Supporting Reasons :
- Reasoning for suggested conditions (summary):
- URA map and clauses as including these has been identified as likely by Council.
 - additional maps may be required to be consistent with Council's draft SI LEP (when available).
 - update Figure 3 and lot labels to correct minor error.
 - 28 day consultation and 12 month PP completion date because the PP is for an urban land release.
 - SEPP 55 assessment to satisfy SEPP requirements.
 - agency consultation/ further work for s117 directions is to address/inform potential inconsistencies.
 - consultation with agencies to consider environmental impacts OEH (ecology), RFS (bushfire), RMS (traffic), CMA/ DPI-Water (stormwater).

Panel Recommendation

Recommendation Date : 15-Mar-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - a. The site's relationship and role with respect to housing supply in the LGA in the context of Council's Draft Settlement Strategy;
 - b. The site's relationship with adjoining industrial zoned land especially with respect to the potential for acoustic and other amenity impacts on new residential development;
 - c. The impacts of site development on the loss of vegetation and any resultant impacts on koala habitat and other environmental management processes;
 - d. The degree to which future site development will respond to the Department's Planning for Bushfire Protection Guidelines;
 - e. Whether there is an appropriate strategy in place to provide infrastructure to the site;
 - f. Whether the potential future traffic impacts of development of the site have been considered, including whether public transport and pedestrian and cycle planning issues have been addressed;
 - g. Council is to consider the potential impacts of future development of the site on the cultural heritage values of the land, including both Aboriginal and European heritage;
 - h. Council is to consider whether future development of the site will generate additional requirements for open space and community facilities and whether this matter should be addressed prior to exhibition of the planning proposal; and
 - i. Whether the site should provide for a range of housing densities through the identification of additional residential zones.

In considering the above issues, Council is to determine whether existing studies and background reports already prepared for the site are adequate for exhibition purposes or whether additional work is required to supplement and expand on the existing material. This decision should be made in conjunction with relevant agencies which should be provided with a copy of background material to review prior to exhibition.

2. Council is to remove the reference to requiring the development of a Voluntary Planning Agreement (VPA) from the objectives of the proposed clause. Including this requirement potentially fetters Council's ability to consider the proposal on merit and to consider alternative mechanisms to deliver appropriate infrastructure to the site.
3. In relation to the planning proposal's consistency with Section 117 Directions, consultation is required with the following agencies prior to the commencement of public exhibition as required in the relevant Direction:
 - a. Office of Environment and Heritage in relation to Direction 1.3 – Mining, Petroleum and Extractive Industries, and Direction 2.1 – Environmental Protection Zones;
 - b. Commissioner of the NSW Rural Fire Service in relation to Direction 4.4 – Planning for Bushfire Protection.Council is to amend the planning proposal (if necessary) to reflect the outcomes of these discussions prior to proceeding to public exhibition.
4. Council is to provide appropriate mapping at the time of exhibition to support the

planning proposal and to ensure that the community is adequately informed about the intent of the proposal. Depending on the timing of exhibition, this may include providing maps in accordance with the Standard Instrument format for development standards (FSR, height of buildings, minimum lot size), Urban Release Area, and other local planning matters. Council is to liaise with the Department's Regional Planning Team prior to exhibition to agree on the form and content of mapping to be provided for public exhibition.

5. Council is to prepare an assessment in accordance with the requirement of clause 6 of State Environmental Planning Policy 55 – Remediation of Land to demonstrate that the land is capable of supporting residential development.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- Department of Trade and Investment
- NSW Rural Fire Service
- NSW Roads and Maritime Services
- Department of Primary Industries (Office of Water)
- Department of Primary Industries (Minerals and Petroleum)
- Office of Environment and Heritage
- Hunter Central Rivers Catchment Management Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

9. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____